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10 San Diego, California 92101
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12 Attorneys for Defendant

13 IN THE UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 NEW AGE PRODUCTS, INC.,

Case No. 96 2129 J CGA

16 Plaintiff,

17 v

18 PROGRESSIVE INTERNATIONAL
19 CORPORATION,

20 Defendant.

21 PROGRESSIVE INTERNATIONAL
22 CORPORATION,

23 Counterclaimant,

24 v

25 NEW AGE PRODUCTS, INC.,

26 Counterdefendant.
27
28

DECLARATION OF JOHN E. STONEMAN

1103 GRANVILLE DRIV.

29 Declarant, John E. Stoneman, of ~~1730 Antigua Way~~, Newport
30 Beach, California, does state under penalty of perjury of his own
31 personal knowledge that the following is true:

1 I founded and formerly owned a company called John E.
2 Stoneman, Inc., which in the mid 1970's began selling a product
3 under the trademark "KLEER KARD".

4 The KLEER KARD product was a thin sheet of plastic ranging
5 from 8 to 15 mils in thickness which was inserted into packages of
6 sliced bacon, these sheets commonly referred to as "bacon boards".

7 Initially, this product was made of extruded homopolymer
8 polypropylene sheets.

9 Around 1980, the KLEER KARD sheets began to be made of
10 extruded copolymer polypropylene instead of the homopolymer
11 polypropylene.

12 Still later, the KLEER KARD sheets were of extruded high
13 density polyethylene.

14 To the best of my recollection, most of the KLEER KARD
15 copolymer polypropylene sheets were extruded using Hercules Resin
16 No. 7623, although other similar resins were used from time to
17 time.

18 To the best of my recollection, based on my review of
19 attached documents Exhibits 1 and 2, in or around 1980, a Mrs.
20 Marian Gillett contacted my company about supplying sheet plastic
21 sheets for her kitchen cutting mats, and at about this same time
22 period we did offer for sale to her and sold plastic sheets of the
23 same construction as the KLEER KARD sheets to be used for her
24 kitchen cutting mats.

25 The foregoing is true and correct under penalty of perjury.

26
27 Date:

12-27-97

John E. Stoneman
John E. Stoneman

John E. Stoneman, Inc
2043 Westcliff Drive
Suite 211
Newport Beach, CA
92660
Telex 181-577
Telephone
714 645-7261

August 29, 1980

Mrs. Marian Gillett
16950 Tesoro Drive
San Diego CA 92128

Dear Mrs. Gillett:

Listed below is confirmation of prices quoted verbally to
you on August 27th.

		<u>10,000</u>	<u>30,000</u>	<u>50,000</u>
9 mil	12" x 14"	110.14/M	92.44/M	83.33/M
	12" x 15"	116.90/M	98.65/M	89.03/M
	12" x 16"	123.80/M	104.85/M	94.78/M
10 mil	12" x 14"	120.76/M	102.11/M	92.20/M
	12" x 15"	130.08/M	108.96/M	98.47/M
	12" x 16"	135.84/M	115.87/M	104.82/M
12 mil	12" x 14"	142.00/M	121.40/M	109.88/M
	12" x 15"	151.10/M	129.69/M	117.48/M
	12" x 16"	160.18/M	137.95/M	125.05/M

These prices are figured without the special packaging.
Let us know if you need further information. We will
send some 10 mil samples as soon as available.

Yours truly,

Charlotte Hampton
Charlotte Hampton (aj)

CH:at

JES INC

John E. Stoneman, Inc.
2043 Westcliff Drive
Suite 211
Newport Beach, CA
92660

Telex 181-577
Telephone
714 645-7261

INVOICE
No 9557

Marion Gillette
Marketing Services Inc.
11660 Iberia Place
San Diego, Ca 92128

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Same

Invoice Date	Terms	Your Order No.	Salesman	Our Ref. No.
7-29-81	1%/10/N30	Verbal	House	
Date Shipped	Shipped Via	Description		
7-22-81	UPS	Newport Beach, Ca		
Qty. Shipped		Unit Price	Unit	Amount
3000	11 1/2 x 15	9 mil Kleer Kards		
1000	6 1/2 x 5	9 mil Kleer Kards		
UPS Charge				
Shipment Complete				
			\$ 175.00	Lot
			\$ 21.74	
			\$ 196.74	

A service charge of 1% per month on the unpaid balance will be made on all past due accounts. Should this rate exceed the maximum rate that is lawful under the circumstances, the maximum rate shall apply. Customer also agrees to pay reasonable attorney's fees and other costs incurred at collection.

ORIGINAL